

Title 44 Modernization

Where Are We Now?

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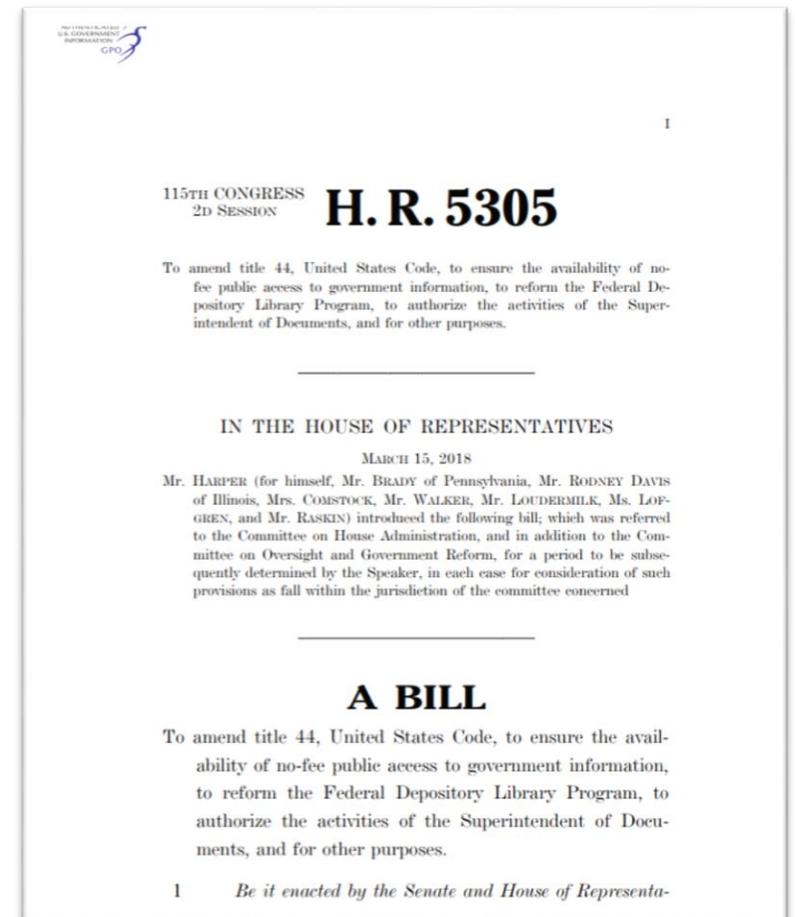
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Announcement: We Have a Bill!

H.R. 5305 – **FDLP Modernization Act of 2018**

- Introduced March 15th, 2018.
- Co-sponsored by all members of Committee on House Administration.
- Underwent markup by CHA on April 12th.
- Soon to be voted on by House???



Why Reform Title 44?

Last major update to Title 44 was in 1962. Further amendments were made in 1993 to address electronic resources.

Congress saw a need to:

- Expand GPO's mission and redefine congressional oversight of the Joint Committee on Printing.
- Grant GPO new powers such as maintaining its own collection, accepting gifts, and awarding grants (though grant-making authority was cut from final bill).
- Re-assert the obligation of government offices to deposit documents with the GPO.
- Alleviate pressure on regional depository libraries by allowing flexibility with housing and discarding collection.

The Discussion Begins...

Winter 2017: Representative Gregg Harper is named Chair of the Committee on House Administration in January 2017, brings in staffers to CHA to study Title 44 reform.

Spring/Summer 2017: CHA holds series of hearings titled “Transforming GPO for the 21st Century and Beyond”.

Summer 2017: FDLP Community offers recommendations for Title 44 revision.

Fall 2017: DLC submits recommendations for Chapter 19 revisions.

Winter 2018: CHA begins drafting bill with input from GPO and library associations.

Your Input on Title 44

From Individuals

- Preservation
- Free access
- Definition of publication
- More digital offerings
- Protection of user privacy
- Flexible item selection
- Discard process
- Shared print archives
- Deposit of digital files in FDLS
- Regional discard/substitution
- Regional flexibility
- Grant authority

From Organizations

- Definition of publication
- Free access
- Preservation
- Protection of user privacy
- Deposit of digital files in FDLS
- Regional flexibility
- Grant authority and Gift Authority
- New categories of libraries
- Strengthen relationship with federal agencies
- Protect integrity of digital content
- Repeal 10,000 book requirement

First Draft of Bill to Modernize Title 44

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[DRAFT]
DECEMBER 11, 2017

115TH CONGRESS
1ST SESSION
H. R. _____

To amend title 44, United States Code, to reform the organization, authorities, and programs relating to public printing and documents, including the Federal Depository Library Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 44, United States Code, to reform the organization, authorities, and programs relating to public printing and documents, including the Federal Depository Library Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
4 (a) **SHORT TITLE.**—This Act may be cited as the “**??**
5 **Act**”. **[to be provided]**

- Drafted by Committee on House Administration
- Released to GPO and shared with FDLP Community on December 11th, 2018.
- Never introduced.
- Complete re-write of Title 44, included three chapters:
 1. Government Printing Office
 3. Implementation of Authorities
 5. No-fee Public Access to Government Information

Strengths of the First Draft

- Reaffirms the public's right to no-fee access to government information.
- Protects user privacy.
- Defines documents as "Information Dissemination Products" (IDPs) and expands scope of GPO's mission beyond print.
- Obligates agencies to furnish Superintendent of Documents with tangible and Digital IDPs.
- Provides for digital deposit in FDLs.
- Allows regionals to share collections across state boundaries.
- Confers grant and gift authority onto GPO.
- Explicitly names education and training as part of GPO's operations.

Objections to the Bill

- Allows agencies to award their own print contracts and circumvent GPO.
- Allocates regulatory authority on GPO to compel government agencies to deposit, which could present a Separation of Powers issue.
- Eliminates tangible distribution of *Statutes at Large*.
- Eliminates production of the *Congressional Record Index*.
- Allows House and Senate to establish new publications guidelines each Congress, which could lead to problems with consistency.
- Eliminates the Joint Committee on Printing and assigns oversight of GPO to two separate and independently operating committees in the House and the Senate.
- Reversion back to “Government Printing Office” agency name and “Public Printer” title.
- And many more...

A New Bill: The FDLP Modernization Act

H.R.5305 - FDLP Modernization Act of 2018

115th Congress (2017-2018) | [Get alerts](#)

BILL Hide Overview ✕

Sponsor: [Rep. Harper, Gregg \[R-MS-3\]](#) (Introduced 03/15/2018)

Committees: House - House Administration; Oversight and Government Reform

Latest Action: House - 03/15/2018 Referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. ([All Actions](#))

Tracker:

Introduced → Passed House → Passed Senate → To President → Became Law

- Introduced March 15th, 2018. Committee review took place April 12.
- Drafted by CHA with considerable input from GPO and library associations.
- Special focus on FDLP and the Superintendent of Documents.
- Does not include general changes to GPO or delegation of authority issues which had been objected to in previous draft.

Main Features of H.R. 5305

The purpose of the new bill, as stated in §1701 is “to promote the greatest possible public access” to government information by authorizing the Superintendent of Documents to:

- Establish a national collection of information dissemination products (IDPs) and to provide no-fee, permanent public access to collection
- Carry out a cataloging and indexing program
- Carry out a by-law distribution program
- Collaborate with offices of the Federal government, Federal Depository Libraries, and library associations and consortia

Expanded Role for the SuDoc

- SuDoc “shall be an accomplished general manager and practitioner of library and information sciences...” (§1702)
- SuDoc defines what shall be included in national collection (§1721)
- Requires government offices to furnish SuDoc with IDPs and allows SuDoc proactively to collect IDPs that offices fail to deposit (§1722)
- Allows GPO and SuDoc to digitize IDPs at any time (§1725)
- SuDoc responsible for preservation and authentication of IDPs in online repository, and for user privacy (§§1731-1733)
- SuDoc given broad power to establish and alter policy for FDLP (§1742)
- SuDoc allowed to donate IDPs to a depository library (§1742)
- SuDoc responsible for providing training and continuing education programs to FDLs and to the public (§1743)

Redefinition of Depository Designations

- Federal Depository Library – Defined in §1742
- Selective Depository Library – Defined in §1744
- Regional Depository Library – Defined in §1745
- Preservation Depository Library – Defined in §1746

Requirements for Federal Depository Libraries

The least rigorous FDLP designation, all libraries in the program share this designation, but libraries with additional Selective, Regional or Preservation designations may do more.

- No minimum volume requirement
- No designation from member of congress is required
- No obligation to collect tangible materials
- Must provide members with no-fee access to IDPs.
- Must provide internet access to online repository and cataloging or location information to tangible IDPs.
- Must ensure that a member of library's staff is able to provide knowledgeable service to assist access of IDPs (depository coordinator).
- SuDoc may impose additional requirements as needed.

Requirements for Selective Depository Libraries

Library adheres to all requirements for Federal Depository Libraries, and...

- Provides access to selected information dissemination products (IDPs) in tangible form.
- Agrees to maintain its collection of IDPs for a minimum of 5 years after receipt, unless SuDoc authorizes earlier withdrawal.
- Collaborates with Regional Depository Library on maintenance of regional collection.
- May accept digital deposit of IDPs.
- Member of Congress makes recommendation to SuDoc for the Selective designation.
- Regulations “shall not prevent the designation of at least one Selective Depository Library in each congressional district.”

Requirements for Regional Depository Libraries

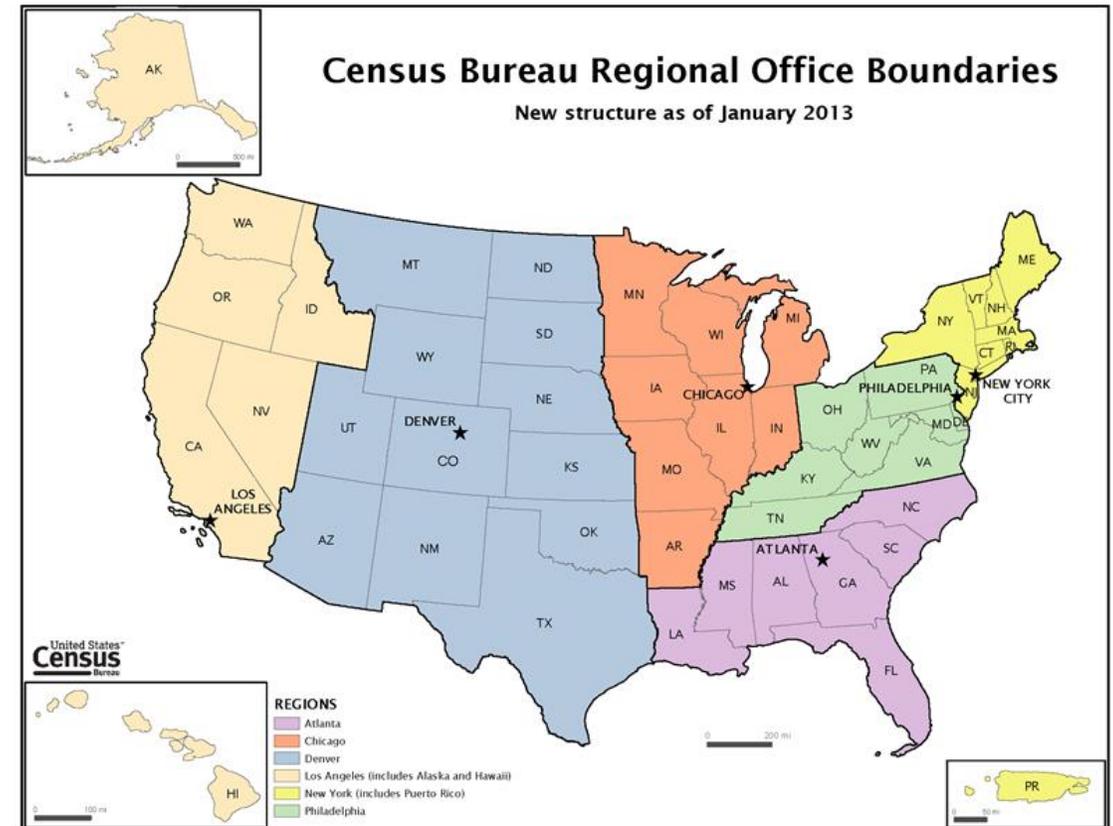
Library adheres to all requirements for Federal Depository Libraries, and...

- Provides access to all IDPs provided through the FDLP regardless of form or format.
- May decline to receive tangible IDP if it is available and authenticated in the online repository.
- May remove tangible IDP from its collection if it is 1) authenticated and available through online repository and 2) SuDoc has identified “an appropriate number of copies” for preservation.
- Collaborates with Selective Depository Libraries to maintain access to IDPs available in regions, and may house some of its collection in one or more Selective Depository Libraries.
- Senator makes recommendation to SuDoc for Regional designation.

SuDoc's Regulation of Regionals

Regarding Regional Depository Libraries, the Superintendent of Documents must:

- A. Establish criteria for housing agreements between Regionals and Selectives.
- B. limit number of Regional Depository Libraries located in any State to 2.
- C. “Unless impracticable, provide for the designation of at least 2 Regional Depository Libraries in each census region.”



Reception of the Bill

H.R. 5305 is supported by all major library associations that have been following the legislation: CHA, ALA, ALR, and AALL.

The Depository Library Council submitted a letter to the Committee on House Administration endorsing the bill.

Free Government Information expressed concern over the bill's effectiveness at reducing fugitive documents, preserving information on government websites, and limited attention to digital depository with FDLs.

GPO announced its support on March 28th.



Depository Library Council
Spring 2018
Virtual Meeting

#DLCVirtual18

April 18-20/2018

Further News / Q&A